

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Rinaldo Del Gallo, III,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 06CV30063
	)	
United States Postal Service	)	
Postmaster and Pittsfield	)	
Post Office,	)	
	)	
Defendants.	)	

MOTION TO EXTEND TIME

The defendants, the United States Postal Service Postmaster and the Pittsfield Post Office, by their attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, move for a two week extension of time for (1) filing their motion for summary judgment; and (2) responding to the plaintiff's motions to certify questions to the Massachusetts and for summary judgment. As grounds for this motion, the defendants state as follows:

1. The undersigned counsel recently was assigned to assist in the trial of Calhoun v. United States, 04-10480-RGS, which is scheduled to begin on Monday, April 9, 2007. As a result, the undersigned has been engaged with trial preparation and unable to devote time to the motions and memoranda in this case, which are currently due to be filed on April 10, 2007. In addition, counsel will be engaged during the week of April 9, 2007, with witness preparation and trial.

2. The plaintiff's complaint challenges a United States Postal Service regulation prohibiting political campaigning on Postal Service property. The plaintiff has not alleged that he is currently seeking elective office, therefore, a two-week extension of time will not prejudice the plaintiff's interests.

In accordance with Local Rule 7.1, the undersigned Assistant U.S. Attorney certifies that she attempted unsuccessfully to reach the pro se plaintiff to confer with respect to this motion. The government has previously conferred with the pro se plaintiff with respect to extensions of time and he indicated that he would not consent to extensions of time unless the government would assent to additional time for him to oppose a motion filed by a co-defendant despite the fact that the co-defendant's motion has already been granted by the court.

WHEREFORE, the defendants respectfully request that the deadlines for responses be extended to April 24, 2007.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

/s/Karen L. Goodwin

By:

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U. S. Attorney's Office  
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Dated: 4/5/07

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/Karen L. Goodwin

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Karen L. Goodwin  
Assistant United States Attorney